

GOVERNMENT OF THE DISTRICT OF COLUMBIA

+ + + + +

BUILDING CODE ADVISORY COMMITTEE

+ + + + +

MEETING

+ + + + +

WEDNESDAY

MARCH 17, 2004

+ + + + +

The Meeting convened in Room 220, 441
Fourth Street, N.W., Washington, D.C., at 10:08 a.m.,
Jerrily Kress, Chairperson, presiding.

COMMITTEE MEMBERS PRESENT:

JERRILY KRESS	Chairperson
BYRON BLACK	
COLLIN BURRELL	
MARC FETTERMAN	
HOWARD GIBB	
JOAN STOGIS	
JOHN STOVALL	

STAFF PRESENT:

DENZEL NOBLE

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

A-G-E-N-D-A

	<u>PAGE</u>
Administrative Matters	3
Issues for Subcommittee Consideration	5
Subcommittee Reports	54

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 P-R-O-C-E-E-D-I-N-G-S

2 (10:08 a.m.)

3 CHAIRPERSON KRESS: I will officially call
4 the Building Code Advisory Committee Meeting of March
5 17th to order. It is 10:10 and happy St. Patrick's
6 Day everyone. I do have a small agenda today, and I
7 also pushed, and I note that it lists here a memo that
8 you had sent; is that correct?

9 MR. SHAFFER: Correct.

10 I got it late yesterday and so I just
11 printed it, and I hope that everyone picked up. It is
12 regarding the Elevator Subcommittee, and when we get
13 to reports, Dick will be making that report on behalf
14 of the Elevator Subcommittee, correct?

15 MR. SHAFFER: Correct.

16 CHAIRPERSON KRESS: Okay. First, I don't
17 expect Denzel to be here. I sent several e-mails and
18 they were returned saying that he was out of the
19 office, and so I expect him not to attend. So I don't
20 know what the update is, unless anyone here does, when
21 we are going to get the building codes.

22 I keep hearing the next meeting that they

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 are going to be bringing the building codes for us.
2 Does anyone have any more updates on when we are
3 supposed to be getting copies of the updated -- of the
4 ICC codes or the chapter -- or the DCMR? No one knows
5 anything. Okay.

6 Well, first of all, has the full D.C.
7 supplement ever been published? To my knowledge, it
8 hasn't. And here is the pass around mike and why
9 don't you hang on to that.

10 John, you were following it actually, you
11 and Marc, and Marc is by the way going to be in
12 attendance. He was just running a little late. But
13 to my knowledge, we are still missing a couple of
14 chapters that have not been published yet.

15 MS. STOGIS: That was the report that we
16 had a month ago. I have not checked up on it since
17 then. But I know that Denzel stated the intention was
18 once everything was published to then where the Office
19 of Documents would pull it into one volume.

20 CHAIRPERSON KRESS: And as people keep
21 asking, and I am sure that you also as members of the
22 committee get those questions, on where do you find

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 it, and it appears that the best place is to go to
2 DCRA's website, and under building codes, and use that
3 version as the most complete version that we have in
4 existence right now.

5 Hopefully we will know something by the
6 next meeting. And anybody who feels like putting
7 pressure on Tom, the powers that be, to help us get
8 the codes, please feel free to do so. Yes, and please
9 identify yourself for the record.

10 MR. HABER: Yes, Miles Haber, MNC BIA. I
11 just wanted to file out if anybody has downloaded the
12 CD that was given out at the seminar, and whether that
13 seems to be accurate as the DCRA code was supposed to
14 be.

15 CHAIRPERSON KRESS: Would somebody who has
16 -- please identify yourself for the record.

17 MR. GIBBS: Howard Gibbs from Pepco. I
18 told her that CD is missing Chapter 16, and I don't
19 know if there are any other errors on it, but the
20 structural section is missing.

21 CHAIRPERSON KRESS: The whole structural
22 section is missing? Because --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MR. GIBBS: There are about four chapters
2 that pertain to structural, and 16 is the first one,
3 and probably the most important one, and that is
4 missing from the disk, and the disk says it is not an
5 official version. So I wouldn't rely on it.

6 CHAIRPERSON KRESS: It was supposed to be
7 as close to correct as possible. So thank you for
8 that information, too. So we know that the disk is --
9 well, does anybody else know anything about the disk?
10 Is there anything else missing? Would you pass that
11 down, please.

12 MR. BLACK: Bryon Black, WNBC. I
13 downloaded the disk and I did check the chapters that
14 I was concerned with, and I found them to be correct
15 where I did spot-check.

16
17 CHAIRPERSON KRESS: Oh, that is good to
18 hear. Some good news. Anyone else who checked the
19 disk?

20 MS. STOGIS: Again, I -- Joan Stogis,
21 DCRA. Again, I just spot-checked, and at least all
22 the existing structures chapters are present and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 accounted for.

2 CHAIRPERSON KRESS: Good, because those
3 are missing in the beginning, the whole existing
4 structures was. Would you pass that back.

5 MR. BURRELL: Collin Burrell from DOH,
6 Department of Health. I think about a week ago, I
7 received a call from the attorney in DCRA, who is
8 supposed to be responsible for getting this thing
9 together, and I am still chasing the Chapter 1 of the
10 Property Maintenance --

11 CHAIRPERSON KRESS: Yes.

12 MR. BURRELL: And we have already
13 discussed that sometime back, and it was agreed that
14 Armando Lourenco, who is the Chair for the Issues and
15 Policies Committee would be responsible for preparing
16 that.

17 And up until this past week, they are
18 still asking me for it, and so I think that we need to
19 get some clarity to that, and if it is not available,
20 I think that something needs to be done first to get
21 it so that we can get it in the entire code.

22 CHAIRPERSON KRESS: Would it be possible

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 for you to follow up with Armando on that and see if
2 she knows what the status is?

3 MR. BURRELL: Okay. I will call the
4 attorney in DCRA and find out from her folks whether
5 or not she has contacted Armando Lourenco. I did give
6 her that information regarding who would have the
7 responsibility for it. But I will also follow that
8 up.

9 CHAIRPERSON KRESS: Okay. So you don't
10 know if she has or not?

11 MR. BURRELL: No, I do not.

12 CHAIRPERSON KRESS: And the attorney's
13 name?

14 MR. BURRELL: Lori Gilbert.

15 CHAIRPERSON KRESS: Lori Gilbert?

16 MR. BURRELL: Yes.

17 CHAIRPERSON KRESS: So to your knowledge,
18 they are waiting to -- Marc, come up here, please. I
19 am not going to let you off the hook. I forgot what I
20 was saying. Oh, to your knowledge, they are waiting
21 to print or ask Documents to print the whole volume
22 until that property maintenance section of Chapter 1

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 is included?

2 MR. BURRELL: I am not sure. I cannot say
3 yes or no to that question, but I know that they asked
4 me to ask where is that particular section, because
5 they still don't have it.

6 CHAIRPERSON KRESS: All right. Thank you.

7 Well, like I said, I will write and put into a formal
8 document the need for and question when the full codes
9 will be published, and when we will get a copy of the
10 family of ICC codes for the members to use.

11 And then once it is published, if in fact
12 the -- because I do have some disks and we can copy
13 some disks. If in fact we can get an updated disk, we
14 might be able to get the DCMR, rather than we will try
15 to -- I will put it in our letter to ask DCRA to give
16 us a disk or a copy of the full updated DCMR.

17 If not, because there have been some
18 question about whether DCRA would be willing to fund
19 all of our members getting that, we might be able to
20 do it by disk, and copy it for ourselves, and have it
21 available.

22 But if it is no the website complete, and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 you can download from that -- well, I am going to ask
2 for it, but we have got a few more options on that as
3 they go. Do you have any -- we were just talking
4 about the status of the 2000 ICC codes, and the D.C.
5 supplement, and the updates, and you don't have any
6 more information than we do.

7 MR. FETTERMAN: Hi, I am Marc Fetterman.
8 A fellow professional caught me a couple of weeks ago
9 to express her -- frustration is the most positive
10 word that I can think of, on what the status is of
11 this, and the fact that the codes are in effect, and
12 that we do not have a published copy that is available
13 to use.

14 And she reported to me that the Office of
15 Documents was saying that they are still waiting for a
16 copy so that it can be published from DCRA. And I
17 didn't call you about that because --

18 CHAIRPERSON KRESS: It might be this
19 maintenance code, because they are saying that they
20 don't have the maintenance for Chapter 1, the
21 maintenance code and appropriate paragraphs.

22 MR. FETTERMAN: Right. Has that -- I have

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 never seen that, Collin. Have you seen it?

2 MR. BURRELL: No, I have never seen it
3 either.

4 MR. FETTERMAN: Because I know that was
5 one of the last things that Armando was working on,
6 and at our last presentation as a group was when I
7 noted that to Denzel, and Armando, and you, and I
8 believe Armando stated that it had been written.

9 CHAIRPERSON KRESS: And that is my
10 understanding, that it is done, but for some reason it
11 has not been incorporated.

12 MR. FETTERMAN: Is it in your set?

13 CHAIRPERSON KRESS: Unfortunately, Sara is
14 sick and I do not know. I don't have the answer to
15 that question.

16 MR. FETTERMAN: Okay.

17 CHAIRPERSON KRESS: I will definitely
18 check into it. I had last heard from Sara that they
19 were looking for -- I assume that she checked with
20 what we had, but that they were looking for this
21 maintenance section that was missing, and that would
22 fit with Mr. Burrell's comment that they hadn't --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 perhaps it had not been published yet because they had
2 not gotten it together.

3 But it looks like we are just are going to
4 have to take this on ourselves and do it, because --

5 MR. FETTERMAN: Well, can I go one step
6 further, and I don't like to do this, but because of
7 the condition of the code do we need to go back and be
8 more proactive in reading what has been published to
9 see if it is what we passed?

10 CHAIRPERSON KRESS: Yes, absolutely.

11 MR. FETTERMAN: I mean, I don't like to go
12 there, but this is embarrassing.

13 CHAIRPERSON KRESS: No, I am going to ask
14 every subcommittee to go through word for word.
15 Denzel Noble did tell me -- and by the way, I have the
16 same problem with the zoning codes -- in the middle of
17 a paragraph sentences will just be missing, and you
18 don't know, and I have had to do that with the zoning
19 codes, and basically go through word for word, because
20 in the zoning codes, you drop out R/4, and just leave
21 R/3, that reads very differently.

22 And we had that happen, where they left

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 out one of the zoning districts, and in the middle of
2 a paragraph. And again our originals are all correct.

3 What was typed and then published by documents, or
4 what documents did with the disk we sent was
5 substantially different.

6 Well, not substantially, but different in
7 some very critical ways. I warned Denzel about that,
8 and I really think the only way to do this is to ask
9 each committee as we begin their work to go through
10 the work that is currently published, and make sure
11 that word for word that it matches what they believe
12 it should say.

13 So that at least we can if need be could
14 pass an amendment or some addenda, or some errata.
15 With zoning codes, we have a different situation,
16 because what gets passed is law, regardless of whether
17 it is published that way or not.

18 We don't have that with building codes,
19 and with building codes only what is published is what
20 is law, and so we have to have each committee have
21 among its first agenda items to double-check
22 everything in the codes that they feel was passed and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 they approved in the codes.

2 MR. FETTERMAN: Well, I am not as
3 technically proficient as I would like to be, or as
4 many others of you may be on computers, but I am aware
5 that there are programs that will compare versions of
6 documents, but I don't know if it would do something
7 or how it would manage something the size of the code.

8 CHAIRPERSON KRESS: Let me sign in on the
9 list and if we could pass this around and continue
10 this. Thank you. I am not aware of that either and I
11 don't know that particular program.

12 MS. STOGIS: Joan Stogis. If someone
13 would refresh my memory. I think that Sara Barton
14 circulated the web address to be able to download the
15 Office of Document's version, and I would be hesitant
16 to spend 20 bucks or whatever it is with something
17 that I already know isn't complete.

18 So if I can get it off the web, I will
19 probably do the existing buildings code that way. Am
20 I right?

21 CHAIRPERSON KRESS: Yes, she sent an
22 address, but everyone believes that the best one --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 and no one -- and I don't know if we have really
2 studied the one on the website of DCRA to make sure,
3 and I would ask Howard if you don't mind if you would
4 check and see if that version is also missing the
5 structural.

6 The one on the website of DCRA, and not
7 the Office of Documents one.

8 MR. GIBBS: Howard Gibbs, Pepco. I will
9 do that. I was going to ask if you could have Sara
10 resend those addresses, both addresses, just to make
11 sure that we have them. And I will check and see what
12 is there, and make sure that our stuff is there.

13 MR. FETTERMAN: Some other structural or
14 not?

15 MR. GIBBS: The disk that we got or the
16 disk that was passed out at the presentation did not
17 have Chapter 16 in it.

18 MR. FETTERMAN: Okay. But because it is
19 my recollection, and again it is not what it used to
20 be, but it is my recollection that the published work
21 included structural items.

22 MR. GIBBS: And we are going to check

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 that. That is what JerRily is asking me to do.

2 CHAIRPERSON KRESS: But the disk that they
3 handed out is supposedly complete and did not have
4 them in. So we have different versions. What is
5 happening is that we have different things missing
6 from a disk, and different things missing from the
7 Office of Documents.

8 And I am telling you that we had the same
9 thing going on with -- except not with so many
10 different places that it was happening -- with the
11 zoning codes. That's why I think it is erroneous. I
12 think you are right.

13 We are going to have to as this committee
14 sit down and check every single location it is at and
15 clear up what it is, and I would hold up off Documents
16 until they republish it, and don't waste our time
17 there.

18 MR. FETTERMAN: But how can we as a City
19 say that we have a new code in effect?

20 MR. BURRELL: Wouldn't it be what was
21 published in the D.C. Registry?

22 CHAIRPERSON KRESS: Well the code that is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 in effect, to quote Howard, is -- and is correctly
2 legally the one that has been published in the
3 register, and what the problem is, is that there are
4 several chapters that have not been published and
5 things that are missing, and so the code that is in
6 effect is missing some elements.

7 MR. FETTERMAN: Well, let me babble on for
8 just a second. I did see that the existing structures
9 was republished about 3 weeks ago --

10 CHAIRPERSON KRESS: Yes, we are aware of
11 that.

12 MR. FETTERMAN: In its entirety.

13 CHAIRPERSON KRESS: Because it was --
14 wasn't it --

15 MR. FETTERMAN: It was missing parts of
16 Chapter 10.

17 MR. PHARR: Since then --

18 CHAIRPERSON KRESS: Sean, identify
19 yourself for the record.

20 MR. PHARR: Sean Pharr, with the
21 Department of Office Buildings Association, and I'm
22 sorry that in my haste that I didn't bring it with me,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 but you know, either -- I think two weeks ago this
2 past Friday, they republished the entire thing one
3 more time.

4 CHAIRPERSON KRESS: They did. The entire
5 thing.

6 MR. PHARR: Right.

7 CHAIRPERSON KRESS: And that is what we
8 have been waiting for.

9 MR. PHARR: Right. They did that the
10 Friday before last in the D.C. Register.

11 MR. FETTERMAN: And they published the
12 entire thing?

13 MR. PHARR: All of it in one D.C. Register
14 volume.

15 CHAIRPERSON KRESS: That's nice to know.

16 MR. PHARR: Yes, it is book sized, and
17 everything is ostensibly there, but that -- I mean,
18 just coming full-circle to the issue at hand, that now
19 will be the definitive document that is out there for
20 better or worse.

21 So that is the one that needs to be fine
22 toothed combed and scrutinized again to make sure that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 there weren't any errors or omissions that may require
2 yet another errata publication.

3 MS. STOGIS: Is it --

4 MR. PHARR: Yes.

5 CHAIRPERSON KRESS: Well, then I would say
6 that we have a two-fold or two-pronged process, and
7 one is to check this new Register. Denzel, you are
8 here. I have been telling everyone that you weren't
9 here because your message said that you were out of
10 the office. Please come and sit. Just in the nick of
11 time. We may get the answers.

12 MR. NOBLE: Good morning everybody. Sorry
13 I am late.

14 CHAIRPERSON KRESS: Would you identify
15 yourself for the record.

16 MR. NOBLE: Yes, Denzel Noble,
17 Administrative BLRA.

18 CHAIRPERSON KRESS: Here is what we have
19 identified so far, and that is that two Fridays ago in
20 the D.C. Register, the full DCMR 11 was published.

21 MS. STOGIS: Twelve.

22 CHAIRPERSON KRESS: Twelve -- I'm sorry --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 was published; is that correct? Sean Pharr just said
2 that he believed that to be the case.

3 MR. PHARR: We published everything
4 altogether. I mean, the original, plus the existing
5 one.

6 MR. NOBLE: I gave them the clean disk
7 last week.

8 MR. PHARR: Well, before that.

9 MR. NOBLE: What happened is that after we
10 discovered some more glitches, we told them not to
11 publish any more Registers. So we went back and got
12 the original disk, and went through it to make sure
13 that everything was there, and all the areas that were
14 left out.

15 And I gave them the annex, and so they
16 were to publish something last week, but they weren't
17 supposed to publish anything more until they got the
18 disk either last Thursday or Friday.

19 CHAIRPERSON KRESS: So is that March 11th
20 or 12th, you believe, is when they got the disk?

21 MR. PHARR: Well -- (not audible, off-
22 microphone.) But I believe it was Friday, the 27th.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MR. NOBLE: Last month?

2 MR. PHARR: Well, not quite 3 weeks ago.

3 MR. NOBLE: I will check it out. They
4 were not supposed to publish any more documents --

5 CHAIRPERSON KRESS: Let's just catch you
6 up, Denzel, on a couple of things. Howard Gibbs said
7 that the structural on the disk that was handed out at
8 the seminar at DCBIA, he said that Chapter 16, and all
9 of the structural, was missing from that disk.

10 Was that disk supposedly complete, or was
11 it missing things to your knowledge? The one that was
12 handed out at the DCBIA seminar.

13 MR. NOBLE: I have not looked at it, but
14 it wasn't supposed to be missing any information.
15 There might have been some typos which we found in the
16 original disk, but it was supposed to have had
17 everything included in the existing structures that
18 was missing from the previous code or the previous
19 publication.

20 CHAIRPERSON KRESS: Okay. You might want
21 to check that disk to see if it is missing just so you
22 know, and we can then inform everyone who has that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 disk that that is missing.

2 The second thing was is that Collin
3 Burrell was talking about, is the property maintenance
4 paragraph of Chapter 1 being missing, and has that --

5 MR. NOBLE: Well, that apparently was
6 never completed, because it was never sent over in the
7 original package, and I was told that Armando had it,
8 and Armando said that he doesn't, and he doesn't
9 remember working on it.

10 I checked with Burrell, and he said that
11 he has not worked on it. So there is no Chapter 1 on
12 that document.

13 CHAIRPERSON KRESS: All right. So what do
14 we need to do at this point?

15 MR. NOBLE: Well, apparently somebody
16 worked on it, but the point is who.

17 MR. BURRELL: Armando.

18 CHAIRPERSON KRESS: He just said that
19 Armando said that he didn't work on it.

20 MR. NOBLE: I talked to Armando, and he
21 said that he didn't.

22 MR. BURRELL: If Armando did not work on

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 it, then nobody else did. So we should not look
2 anywhere else.

3 MR. NOBLE: Because I remember when we had
4 a problem with the file, and we got the file from
5 Armando and that is how the file got in, because that
6 one file wasn't there. But he said that he does not
7 have the Property Maintenance.

8 MR. FETTERMAN: He needs to write it then.

9 MR. NOBLE: Yes.

10 MR. BURRELL: But in addition, I have in
11 my notes from my subcommittee, and my subcommittee
12 notes that at the very last meeting that we had that
13 he was in attendance, and he agreed that he would take
14 care of it, and that he agreed that he would take care
15 of the document.

16 CHAIRPERSON KRESS: And Marc Fetterman is
17 shaking his head, and that is --

18 MR. FETTERMAN: I was at the meeting.

19 MR. BURRELL: That's correct, you were
20 also.

21 MR. NOBLE: The bottom line is that we
22 don't have it.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 CHAIRPERSON KRESS: All right. So then we
2 need to get an e-mail out on behalf of this committee
3 to Armando and ask him to please draft that as soon as
4 possible.

5 MR. NOBLE: Does anyone have a copy of the
6 draft or anything that you worked from if you say you
7 were at the meeting?

8 MR. FETTERMAN: He was going to take care
9 of it on his own, just like he was going to do the
10 Fire code, Chapter 1, on his own is my recollection.

11 MR. BURRELL: That's what my notes
12 reflect, the minutes of the subcommittee meeting
13 reflect. So I never worked on that.

14 CHAIRPERSON KRESS: Would it make sense
15 then, Denzel, that I write a letter on behalf of this
16 committee to Armando, and ask him as soon as possible
17 to write the appropriate paragraphs that need to be
18 included in Chapter 1 relating to property
19 maintenance?

20 Because that is going to need to go ahead
21 faster because right now that is missing from the
22 codes.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MR. NOBLE: It's missing from the codes.

2 MR. FETTERMAN: Is it an issue then? It
3 has not been approved by the City Council?

4 CHAIRPERSON KRESS: Well, then we will
5 have to put it on our emergency list, and we will ask
6 Armando, because we have several things we want to
7 deal with first. So we will put it on our "emergency
8 list" of things to do.

9 MR. NOBLE: Yes, the amendment that we are
10 proposing right now, because there are a couple of
11 things in there that -- for instance, the piece
12 dealing with --

13 MR. BURRELL: Yes, the section (off-
14 microphone, inaudible.)

15 CHAIRPERSON KRESS: I'm sorry, but what
16 was that again, Mr. Burrell?

17 MR. BURRELL: The section that (off-
18 microphone, inaudible).

19 CHAIRPERSON KRESS: Oh, right.

20 MR. BURRELL: And the (off-microphone,
21 inaudible.)

22 CHAIRPERSON KRESS: Do you have the mike?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MR. BURRELL: I don't know where it is.

2 CHAIRPERSON KRESS: Who is -- which
3 committee worked that, that exempted the --

4 MR. NOBLE: Armando's subcommittee.

5 CHAIRPERSON KRESS: Is that Article 1 as
6 well?

7 MR. BURRELL: Correct.

8 CHAIRPERSON KRESS: All right. So then we
9 also need to forward that to Armando to write
10 immediately as one of our urgent issues, correct?

11 MR. BURRELL: Correct. I brought it to
12 the attention of -- the first time that we reconvened
13 after the code had passed, and our director also sent
14 a letter to DCRA to apprise them of it before it was
15 published, and before it went to a hearing also.

16 I also followed it up recently to see if
17 it was published recently, and we advised them that
18 can cost the City or the Mayor over \$25,000 a day if
19 it remains being --

20 CHAIRPERSON KRESS: Okay. I remember that
21 there are four things -- I didn't bring my old notes,
22 but I remember there were several emergency things.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MR. BURRELL: I thought I had picked up
2 the list.

3 MS. STOGIS: Joan Stogis. I think one of
4 the things -- it is our consensus of the Residential
5 Subcommittee and Existing Structures that we feel that
6 we could take off the list, and it had been one of the
7 four, and it is a question of alterations to monitor
8 family dwellings.

9 We have talked about this -- Miles, and
10 John, and I, and also with Armando, and our feeling is
11 that while it is not in the most convenient format, a
12 person doing alterations to the existing one or two
13 family dwelling, who has trouble with something in the
14 Residential code, can go to the existing Buildings
15 code and see if that gives them a little bit more
16 wriggle room.

17 It is not convenient, because the
18 intention of the Residential code is kind of
19 everything being in one volume, and what we will do is
20 that in the next cycle, we will work to get the
21 appendix that is part of the published code adopted
22 with any local modifications that we need.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 But I think really there is not a sense of
2 urgency right now.

3 CHAIRPERSON KRESS: I know that one of the
4 other urgent issues -- and I don't know whether we
5 wish it to go forward at this point -- was the
6 sprinkling of individual family residences that was on
7 the emergency list, but we had a major presentation,
8 and unless someone says otherwise, I think that
9 discussion we will hold to be a part of -- rather than
10 -- I don't think it is an acknowledged emergency
11 issue; is that correct at this point?

12 MR. NOBLE: yes, it is, and we are
13 preparing amendments, which I will bring to the body
14 before it is published.

15 CHAIRPERSON KRESS: Okay. So it is on
16 your emergency list?

17 MR. NOBLE: Yes, it is on our list, yes.

18 MS. STOGIS: I will say that I was very
19 impressed by the presentation. Joan Stogis. But I
20 have been reading little squibs in the paper that
21 there have been an unusual number of house fires over
22 this past winter, including a mansion in Howard

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 County.

2 UNIDENTIFIED MEMBER: It should have
3 burnt.

4 MS. STOGIS: So I can imagine that in the
5 region that this is going to be a lively topic.

6 MR. HABER: Miles Haber. First of all the
7 mansion that burned belonged to a builder and should
8 have known better, because he could afford a 30,000
9 square foot house. He probably could have afforded
10 sprinklers.

11 But I guess, Denzel, what I wanted to ask
12 is where is the political pressure coming from,
13 because we are in fact at MNC BIA, we are probably
14 going back to the Montgomery County Council Executive,
15 and having Elliott Eisenberg, who gave the
16 presentation here, give something there.

17 We would like to have that same
18 opportunity with whoever the politicals are because
19 the bottom line of his presentation is you are not
20 solving the fire death problem, or even the property
21 protection problem, with this.

22 Let's go where the problem is, which is in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 the older houses in the poorer areas. So where -- can
2 you tell us where this is coming from?

3 MR. NOBLE: No, it's not a mater of
4 politicos pressure. You will have an opportunity to
5 state their case when it publishes its proposed order
6 for the council, and there will be a hearing on the
7 amendment.

8 MR. HABER: Okay. But I guess before it
9 got to that point, we wanted to have an opportunity to
10 educate who -- you know, we will still go to the
11 council if need be, you know, even before this comes
12 up.

13 I guess what happened in Montgomery County
14 is that the Fire Services basically got a real head-
15 start on the industry, and we think presented a one-
16 sided picture.

17 We just want to have the opportunity and
18 usually to present the other side of this story is as
19 Paul Harvey says, and you can't do that in 5 minutes
20 of testimony at a public hearing.

21 MR. NOBLE: Well, as I indicated, once the
22 amendments we are preparing are drafted by the Office

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 of the General Counsel, I'll have -- I will bring them
2 to this committee to discuss before we move forward.

3 CHAIRPERSON KRESS: Are you drafting
4 anything else? Are you looking for us to --

5 MR. NOBLE: I was looking for a list.

6 CHAIRPERSON KRESS: There is a list of
7 things that you are drafting?

8 MR. NOBLE: Yes.

9 CHAIRPERSON KRESS: Is the exempting
10 utilities on your list, or do I need to be talking to
11 Armando to do that?

12 MR. NOBLE: No, we are taking care of
13 that.

14 CHAIRPERSON KRESS: All right. So what
15 about the property maintenance? Are you taking care
16 of that?

17 MR. NOBLE: Well --

18 CHAIRPERSON KRESS: Chapter 1 issues
19 relating to property management.

20 MR. NOBLE: I spoke to Armando about it,
21 but that's all. As far as taking the initiative to do
22 something about it, we haven't. Maybe it is something

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 that we need to do, and since it was not part of the
2 proposed rules to have it as part of this package, and
3 to get it included is --

4 CHAIRPERSON KRESS: And do you think that
5 --

6 MR. NOBLE: Yes, maybe --

7 CHAIRPERSON KRESS: If we are doing this
8 in an emergency batch, we should have that as a part
9 of it.

10 MR. NOBLE: We should include it.

11 MR. FETTERMAN: And then you are working
12 on something with the elevators?

13 MR. NOBLE: Yes, the elevators. Yes, all
14 of that.

15 CHAIRPERSON KRESS: So the elevator date
16 revision is on there?

17 MR. NOBLE: Yes. And we are working -- we
18 also have in there on the piece that David Bardin
19 complained about regarding the ANC notifications.

20 CHAIRPERSON KRESS: Oh, the ANC
21 notifications?

22 MR. NOBLE: The ANC notifications.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 CHAIRPERSON KRESS: Are you doing
2 something about that?

3 MR. NOBLE: This is a clarification piece,
4 because the way it is written is that the ANCs will
5 not be allowed to see plans that are written and so we
6 are clarifying that.

7 CHAIRPERSON KRESS: But you are not
8 working on the rehab alterations on one and two family
9 dwellings that John was talking about?

10 MR. NOBLE: No, I saw the e-mail exchanged
11 between John and Armando.

12 CHAIRPERSON KRESS: So you dropped that
13 one?

14 MR. NOBLE: And I think that is clear.

15 CHAIRPERSON KRESS: So these five -- there
16 are more than five?

17 MR. NOBLE: And one came up last week.

18 MR. FETTERMAN: Denzel, you were hoping to
19 e-mail this list to everyone before this meeting, and
20 perhaps if you could find the list and get it to us.

21 CHAIRPERSON KRESS: I will e-mail it if
22 you can get it to me.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MR. NOBLE: Yes.

2 CHAIRPERSON KRESS: Okay.

3 MR. NOBLE: Oh, one other thing. That is
4 why I was asking for David Bardin. He sent an e-mail
5 to the Director regarding this no-lead in the
6 plumbing, no-lead fixtures.

7 CHAIRPERSON KRESS: Oh, yes.

8 MR. NOBLE: And then I did e-mail back and
9 told him that I will bring it to this committee. But
10 then last week, he sent an e-mail to Robert Bobb.

11 CHAIRPERSON KRESS: To Robert Bobb?

12 MR. NOBLE: Yes.

13 CHAIRPERSON KRESS: I suggest that he get
14 in touch with the Chair, Jim Shobelski.

15 MR. NOBLE: And I e-mailed the Mayor's
16 office and told them that I will bring it to this
17 committee, because he is speaking about the --

18 CHAIRPERSON KRESS: I don't think
19 everybody got this. Did everybody get this? And why
20 don't you drop back and give a quick overview of what
21 David is talking about.

22 MR. NOBLE: David read somewhere where in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 California that they have a lead standard, a no-lead
2 standard for their fixtures. In the current plumbing
3 code, you are allowed up to 8 percent lead on fittings
4 and fixtures.

5 He is saying that in California that it is
6 zero percent, and I have indicated in my e-mail to the
7 Mayor's office that I am not aware of that standard.
8 The ICC standard is 8 percent.

9 MR. HABER: If you get me that technical
10 director of California Builder's Association, as it is
11 somebody that I know, and I can get you an answer very
12 quickly of whether that is correct, or whether it is
13 just repeating something that a reporter got wrong.

14 MR. NOBLE: Well, this is from David
15 Bardin. David Bardin is the person who pinned the e-
16 mail to the Director, and the e-mail to Robert Bobb,
17 suggesting that the Mayor's initiative regarding no-
18 lead. And he is asking that -- well, that is a long
19 e-mail, and I don't want to read it.

20 MR. HABER: Well, no, I'm just saying that
21 I can find out quickly what the true law in California
22 is. It may be no-lead. California, you know, has a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 lot of things that no other State has, in terms of
2 codes and standards, and other areas of life.

3 CHAIRPERSON KRESS: Well, I am going to
4 ask why this service needs to be an emergency? We
5 have a cycle that is going to be done within a year,
6 and this sounds like something -- there is only one
7 State in the country that does it that needs to have
8 some analysis. And I don't know that we should jump
9 into it.

10 MR. NOBLE: Well, with all of the problems
11 that are going on now, and the fact that the ICC
12 requirement is being put out there as allowing 8
13 percent for fittings on faucets, everybody is saying
14 that if we are trying to achieve no-lead in the
15 District, and the fittings on the faucets allow for 8
16 percent, then where are we going and we need to take a
17 look at it.

18 So I indicated in my e-mail to the Mayor's
19 office that I will bring it to the committee because
20 we are working with a national standard, and the
21 national standard, the ICC, which is the national
22 standard, allows 8 percent nationally and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 internationally.

2 And obviously with no effect to the water.

3 So this is something that -- and I thought David
4 would have been here.

5 CHAIRPERSON KRESS: I thought he would
6 have been here, too.

7 MR. NOBLE: That's what I said to
8 everybody, and he would need to explain in detail --

9 CHAIRPERSON KRESS: Well, can I tell him
10 to forward this to our Plumbing Subcommittee.

11 MS. STOGIS: I am not sure if there is
12 anyone here today as a member of the Plumbing
13 Subcommittee, but what might be helpful also would be
14 to contact the International Co-Council and see if
15 they are doing any revisiting of the lead percentage
16 requirements for the next round, because that would be
17 an interesting indication if there is a movement to
18 lower it.

19 CHAIRPERSON KRESS: Denzel, if you send
20 this to me, I will get it to the appropriate people,
21 including Mr. Haber and Mr. Shabelski, and anybody
22 else, because I certainly think that if something like

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 this is going to happen, we definitely need to be
2 looking into it.

3 And to be fair, this is something that is
4 major that David Bardin has proposed, and written to
5 Mr. Bob Bobb, and other people that the ICC allows 8
6 percent lead in fixtures.

7 MR. NOBLE: Yes, the ICC allows 8 percent
8 in fittings and fixtures, up to 8 percent.

9 CHAIRPERSON KRESS: And he is bringing up
10 California as a State that allows zero, and he is
11 wanting us as an emergency to change the codes to make
12 ours zero also, which obviously could have some major
13 impacts in costs on housing, and other issues.

14 So I think that it is something -- and
15 like I say, when he wrote me, I suggested that he copy
16 Jim Shabelski, but he obviously hasn't.

17 MR. PHARR: I'll get a copy of that?

18 CHAIRPERSON KRESS: Yes, that is what I
19 was going to say; if Denzel e-mails it to me, I will
20 e-mail it to everyone so that we can formally asking
21 the Plumbing Subcommittee to start evaluating it,
22 because you talk about referring it to the building

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 code, the first place it goes.

2 I mean, it goes to all of us, but that
3 really starts talking about it, and it has got to be
4 Jim's subcommittee, and that needs to start meeting
5 and talking about it very, very quickly.

6 MR. NOBLE: Yes, because his e-mail is
7 asking the Mayor to take legislative action to achieve
8 that, and --

9 CHAIRPERSON KRESS: And what was he doing
10 when we were sitting here?

11 MR. NOBLE: And that's why I am saying let
12 me bring it to the body so that we can discuss it and
13 see --

14 MR. FETTERMAN: The less than 8 percent
15 standard, just so you know, that is an EPA standard.

16 MR. NOBLE: So, fittings and fixtures.

17 MR. FETTERMAN: Right. And I actually
18 have heard recently that California had not taken that
19 action, but it will be exceedingly difficult to find
20 fixtures that would meet that standard.

21 CHAIRPERSON KRESS: Exactly. Well, Miles
22 Haber said he knows -- who did you say you knew in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 California?

2 MR. HABER: The technical director of the
3 California Builders is on top of all of that stuff,
4 and I can just e-mail him and probably get
5 confirmation of whatever you got through --

6 MR. NOBLE: I really thought that he would
7 have been here this morning and that's why I didn't
8 try calling him. I know that he is generally at the
9 meetings.

10 CHAIRPERSON KRESS: Well, like I said, if
11 you can get this sent to me. Actually, Miles, you can
12 probably go ahead and call about the 8 percent issue
13 without having the e-mail, because the e-mail is
14 basically asking the City and the council to take
15 action, and to pass the no lead initiative, which
16 California has --

17 MR. NOBLE: But as I indicated, I am not
18 aware of any legislation or any requirement in
19 California that calls for no-lead, because these
20 fittings are standard fittings built for plumbing
21 fixtures throughout the United States.

22 And if you were to find no-lead, the costs

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 would be prohibitive.

2 CHAIRPERSON KRESS: Potentially. If you
3 need the mike, Sean, and we pass it back after this
4 comment so we can find out --

5 MR. TRACEY: Is this (off-microphone,
6 inaudible) --

7 MR. PHARR: Are you ready?

8 CHAIRPERSON KRESS: Take your time. The
9 report from the Office of Documents by Sean Pharr.

10 MR. PHARR: My recollection, surprise,
11 surprise, was mistaken somewhat. What they published,
12 and what I saw, and it was voluminous, but it was on
13 February 20th that they republished the existing
14 Buildings Code in its entirety.

15 MR. NOBLE: I knew about that.

16 MR. PHARR: In its entirety. It is about
17 a hundred and something pages.

18 MR. NOBLE: That is the one that was left
19 out.

20 MR. PHARR: Right.

21 CHAIRPERSON KRESS: But that is the one
22 that still has errors in it.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MR. PHARR: Right, and so it was January
2 9th that was the first one, and January 30th, they
3 published the existing Buildings text, but with
4 omissions. And then on February 20th, they published
5 existing Buildings, and they claim in its entirety.

6 CHAIRPERSON KRESS: Oh, just existing
7 Buildings.

8 MR. PHARR: Yes, existing Buildings, I'm
9 sorry, and it was not the entire thing, because Denzel
10 told them not to.

11 MR. NOBLE: Yes, I told them not to
12 publish anymore or not to print anymore until they got
13 a clean one from the City.

14 CHAIRPERSON KRESS: And just to finish
15 since we have hopped around here a little bit with the
16 lead issue, are we not in agreement that we need to
17 get the Plumbing Committee to make it -- well, the
18 feeling is that it should be urgent, and we should ask
19 the Plumbing Committee to look at this lead standard
20 issue immediately, and that Miles Haber will be
21 contacting California and finding out exactly what is
22 going on?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MR. PHARR: Might I suggest a concurrent
2 look by the existing Structures Subcommittee?

3 CHAIRPERSON KRESS: That is an excellent
4 suggestion.

5 MS. STOGIS: I was going to suggest that
6 as part of this endeavor, if it does contemplate any
7 retrofit or anything that would affect existing
8 buildings, our subcommittee would like to be involved
9 in it.

10 But I think first we need to find out what
11 the facts are from the other side of the continent.
12 And also if a request by the Plumbing Subcommittee,
13 and ask them also to check if ICC is contemplating any
14 changes in the standard, and if that would show it,
15 and if there is a trend.

16 CHAIRPERSON KRESS: And perhaps we can
17 talk to -- in fact, Dave Conover (phonetic) would
18 probably be someone good to be in touch with. He has
19 sent in this information to be a part of this
20 committee, and so I don't know what subcommittee he is
21 on.

22 MS. STOGIS: Well, I will be glad to e-

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 mail him.

2 CHAIRPERSON KRESS: Would you?

3 MS. STOGIS: And then I will share any
4 reply with Jim Shabelski and with everyone else.

5 CHAIRPERSON KRESS: Great, because that
6 would be really terrific to know what the ICC is doing
7 or thinking about. I'm sorry, Marc?

8 MR. FETTERMAN: Marc Fetterman. We may
9 find that the issue is very much like the residential
10 sprinklers, where what we would be affecting would be
11 the newest buildings that probably have the least lead
12 content, or lowest at risk for fire, and not really
13 addressing the problem, which is our older
14 infrastructure.

15 MS. MONTPLAISIR: Since we did hear from
16 the Health Department there also, I was -

17 CHAIRPERSON KRESS: Could you identify
18 yourself for the record, please.

19 MS. MONTPLAISIR: I'm sorry, Gail
20 Montplaisir, and I am in the Existing Structures
21 Subcommittee. I am wondering if we shouldn't ask for
22 that question to be clarified, and is a percent -- I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 mean, do we have a health issue here that we have to
2 seriously worry about.

3 That is separate from our overall lead
4 issue, because from the Builders side, which is where
5 I fall in, you know, if they don't make those fixtures
6 yet, and if something were put in on an emergency
7 action, we would find that the building industry would
8 kind of come to a screeching halt, because everybody
9 has to have plumbing fixtures, and I don't think they
10 exist right now that would meet any kind of code
11 requirements. Thank you.

12 CHAIRPERSON KRESS: Would you like to
13 respond to that, or do you have an answer?

14 UNIDENTIFIED SPEAKER: No, I don't have a
15 specific answer, but I would think that if the
16 Subcommittee is looking at it that they would not only
17 look at what is happening in California, but you would
18 seek to get information on the tests which have been
19 done to indicate that the 8 percent is not currently
20 above it. I think you would look at that as well.

21 CHAIRPERSON KRESS: All right. Has
22 everyone signed it, and if so, we need to give the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 sign-in sheet back to our court-reporter so that she
2 may have everyone's name while she is taking notes.

3 Okay. Back to what we -- let's just
4 finish what -- we were also wondering when we could
5 expect the copies of the code, and you were going to
6 see about updating us on that?

7 MR. NOBLE: Yes. Like everything else,
8 you know, it comes down to money. We are in divided
9 funds, and I have to check, but I think the order was
10 placed for the code books, for the ICC books for 2003.

11 CHAIRPERSON KRESS: Correct, and on the
12 current supplement, when that is once and for all
13 complete and ready, is this going to be something that
14 the members will be able to -- that the DCRA will be
15 able to buy for the members, or will you be able to
16 give us the disks like you did before?

17 I mean, the final disks at least, and if
18 not, be able to purchase the actual Office of
19 Documents version?

20 MR. NOBLE: I will have to check with the
21 Office of Documents, because as you know, they don't
22 give us anything anymore. We have to buy it, because

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 I even tried to get a couple for the staff, and --

2 CHAIRPERSON KRESS: Yes, we had to do that
3 for zoning as well.

4 MR. NOBLE: So what we did is we bought
5 one, and copied it. Oh, wait a minute. I'm on tape.
6 But I will check it out.

7 CHAIRPERSON KRESS: But certainly for our
8 use and work, you would be able to copy the full
9 version on the disk if we don't have the full version,
10 which I am pretty sure we probably don't. We need to
11 check the disk.

12 MR. NOBLE: Because it would be the same
13 disk, because they don't change it. The only change
14 that they make to the disk is the update of the D.C.
15 Register number at the bottom, and it is the same text
16 that they publish.

17 So I can get copies of the clean disk, and
18 I will give you a copy and you can burn it.

19 CHAIRPERSON KRESS: Okay. So I have to
20 pay for it.

21 MR. NOBLE: I take that back. I will burn
22 some once it is published.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 CHAIRPERSON KRESS: Okay. And your best
2 guess right now is that we still have to -- well, what
3 is your best guess on when this will be a full 100
4 percent that is going to be published by Documents?

5 MR. NOBLE: Armando has got it, right?

6 CHAIRPERSON KRESS: No, we decided that
7 Property Maintenance had not been passed. So they
8 should be able to publish now.

9 MR. NOBLE: As I indicated earlier the
10 disk could be gone through and clean up some of the
11 mistakes that we have found on the disk, and they got
12 a copy last -- it was either last Thursday or Friday.
13 I gave it to the General Counsel's office, who was
14 supposed to send it over to the Office of Documents.

15 CHAIRPERSON KRESS: So they are the ones
16 sending it over?

17 MR. NOBLE: Yes, they are the one sending
18 it to the Office of Documents, and then once they get
19 that, then it is published in the completed documents.

20 CHAIRPERSON KRESS: So you would think
21 that would be happening in a short period of time?

22 MR. NOBLE: Yes, they can probably publish

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 it this week.

2 CHAIRPERSON KRESS: Is Lori Gilbert the
3 one who is handling that?

4 MR. NOBLE: Lori Gilbert and Paul Waters.

5 CHAIRPERSON KRESS: Paul Waters.

6 MR. NOBLE: He is the administrative
7 person.

8 CHAIRPERSON KRESS: So we can check --

9 MR. NOBLE: I will check with them when I
10 go back.

11 CHAIRPERSON KRESS: And again just send me
12 everything and I will just then send it out to all of
13 our members so that everyone can be updated. Were
14 there any other general comments?

15 I do still have that we talk about the
16 reappointment and just relating to the codes, and
17 copying the codes, and getting the codes, and I think
18 that is everything that we talked about, correct?

19 Okay. The next thing I have on the agenda
20 is the reappointment of the building code members. We
21 are having a few more days and I am just reminding
22 everyone, and I know that Sara sent reminders to get

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 your information in so that we could finalize this
2 reappointment, or that Boards and Commissions could
3 finalize the reappointment.

4 And Sara, I know, has been meeting
5 regularly with the Boards and Commissions people
6 regarding the reappointments. Does anybody have any
7 questions on the reappointments? Okay. Yes, I think
8 we are straight now with John and Miles.

9 The status of obtaining necessary
10 resources for the Building Codes Advisory Committee,
11 we talked about you working on that, and I have to
12 talk to you about that.

13 Do you have any more updates on the DCRA
14 hosting website? Did you find out anything, Joan?

15 MS. STOGIS: Joan Stogis. I sent Woody an
16 e-mail a week-to-10 days ago, and I have not heard
17 back from him. I know that he did set up a structure
18 and it was briefly showing up on the DCRA page but
19 then it disappeared, I presume, because it wasn't
20 being used.

21 I think the main thing is that we need to
22 find from our point of view, and someone else talked

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 about this at the end of the last meeting, but we need
2 to find out how to feed him information.

3 Is he okay if the subcommittee chairman is
4 the contact, and does he knew that through a smaller
5 group of people, because I think the point -- and
6 certainly in these seminars we are telling the public
7 that we are going to have this wonderful website and
8 everything is out in the sunshine and transparent.

9 So it is about time to get it going. I
10 don't know, Denzel, but have you had any feedback from
11 him on it?

12 MR. NOBLE: No, I haven't.

13 CHAIRPERSON KRESS: Well, it has been good
14 of Joan being the liaison here, but it would be
15 helpful if you could maybe back up when she sends one
16 of these memos and you are copied on it, if you would
17 forward it to Woody.

18 We have not gotten much information back
19 other than that first time, and then the first thing
20 he did -- and how we have not heard anything else, and
21 as we are really trying to get going here, we need to
22 have that website functional.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MR. NOBLE: Okay.

2 MS. STOGIS: Denzel, I think I copied you
3 on the e-mail, but I will forward it to you again.

4 MR. NOBLE: Yes, please do.

5 CHAIRPERSON KRESS: Next I have is the
6 bylaws. Has the Issues and Policies met at all?

7 MR. FETTERMAN: Marc Fetterman. No, and
8 at our BIA meeting, I tried to politely remind a
9 number of people, including Armando, that we needed
10 the -- that Issues and Policies needs to meet, and the
11 first order of business is revising or proposing
12 revisions to the bylaws.

13 CHAIRPERSON KRESS: Correct, and now this
14 property maintenance issue is right there on top as an
15 emergency issue that we need to get done right away.

16 MR. FETTERMAN: Because as Sean said under
17 Item 3 on the agenda today, Ma'am Chairperson, Item D,
18 the elevators, is still not a separate committee. And
19 that is part of electrical.

20 CHAIRPERSON KRESS: Yes. Is there
21 anything under administrative matters before we move
22 to some subcommittee reports?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MR. FETTERMAN: Just one question, Ma'am
2 Chair. I know that all of our appointments, or many
3 of our appointments as members expires in the next 3
4 weeks or so. It was my recollection that it was early
5 or mid-April.

6 And will we be reappointed? When is it
7 envisioned that we will be reappointed?

8 CHAIRPERSON KRESS: Their goal at Boards
9 and Commissions is now, and that's why you were
10 getting the e-mails, and that those people who needed
11 to be reappointed, there is a new interpretation as
12 you probably all saw that for those of us who work for
13 the government, we serve at the Mayor's pleasure, and
14 so we don't need to be reappointed.

15 But anyone who represents an organization
16 needs to be reappointed, and they want to do it
17 immediately. the only problem we get into, and there
18 is some question is if we start voting on major
19 issues, and our appointments, and while it does say
20 that we serve until we have been replaced, we will
21 probably not have any legal problems.

22 But before when it had been like a year

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 that we were serving and continuing service without
2 having been reappointed, there was some question about
3 the validity of the voting.

4 So hopefully we won't run into that, but
5 we do have most people having responded with their
6 information, and that these reappointments will be
7 made very expeditiously.

8 But again I will keep everyone informed.
9 On Subcommittee reports, I would ask who has a report
10 rather than going down the list, because I know that
11 some people are further along than others, and I
12 received last night, which I don't know if I made
13 enough copies, and if I didn't, I will get more
14 copies. Do you have some additional copies? Oh,
15 good. Joan, go ahead.

16 MS. STOGIS: I would just ask that I think
17 it would be helpful like we did last round was that we
18 had a regular schedule for each of the subcommittee
19 meetings, and it would be good to get that
20 established, and when we get this website going to
21 publish it.

22 It is important to coordinate, because we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 have a number of members who serve on more than one
2 subcommittee.

3 CHAIRPERSON KRESS: And I would really
4 like to do that, is to go down today and let's just
5 set it, and I will write it in the memo, that we are
6 going to be looking for a schedule from all of the
7 subcommittees from now through the end of the process.

8 Typically we do not receive reports in the
9 form that it is bring brought to us today by the
10 Elevator Subcommittee, and we may decide not to act on
11 it. But the reason that we did ask the Elevator
12 Subcommittee to look at some things on an emergency
13 basis because of the time frame issue.

14 But otherwise we need to get our forms
15 out. We will be using pretty much the same forms as
16 we did last time, but we need to get our updated forms
17 out to all of the subcommittees so that as they begin
18 their work and propose their changes, they are in our
19 format.

20 For those of you who have worked before,
21 you know what our format is, and we will be having a
22 schedule of when different committees will be bringing

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 forth their proposed amendments to the codes.

2 It would be nice to have the codes in our
3 hands before we start amending them, but certainly
4 everyone can be working and having a structure and a
5 deadline that they are working towards.

6 But with that, since we did ask the
7 Elevator Subcommittee to -- and which is not
8 officially legal yet, but hopefully will be as a
9 priority, to present what they were bringing before us
10 today.

11 And why don't you introduce yourself for
12 the record, and did everyone who has not gotten a copy
13 of this --

14 MR. SHAFFER: Hi, I am Dick Shaffer, and I
15 have some extra copies here if you need them.

16 CHAIRPERSON KRESS: We need a few more up
17 here. Anybody else need one? I did hand some out.
18 It is dated March 17th.

19 MR. SHAFFER: Just briefly, the Elevator
20 Subcommittee met on March 3rd, and among other things,
21 we took a look at the A17.3 existing safety code for
22 existing elevators and escalators, and in the previous

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 code, on November 19th, 1999, the District did adopt
2 that code for elevators and escalators.

3 And it was 3607.2 of the November 19
4 Register of 1999, and it referenced to Chapter 35 of
5 BOCA.

6 When the new adoption on January 9th of
7 this year for the IBC 2000 Code came through, that
8 dropped that requirement for the A17.3 to existing
9 buildings, and it only references the A17.1, the
10 elevator safety code, which picks up The A17.3 by
11 reference in Part 12 of the A17.1.

12 I think it is kind of technical, but the
13 point is that that requirement to go back retroactive
14 to just elevators and escalators was dropped, and so
15 we reference that here in later sections, and our
16 recommendation was that be picked back up again, and a
17 suitable time period be given for compliance.

18 So the issue that we saw was to readopt
19 the A17.3 code for existing or retroactive to existing
20 buildings.

21 CHAIRPERSON KRESS: And your last sentence
22 then is to give compliance, for a period of compliance

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 of 2 years, to allow compliance within 2 years?

2 MR. SHAFFER: Correct, and we picked that
3 up in 1999, which also gave a 2 year time period, and
4 we just carried that forward here as our
5 recommendation for 2 years for compliance, subject to
6 the variance process, which was similar to what was in
7 the 1999 one.

8 CHAIRPERSON KRESS: Okay. With that we
9 will move for discussion. Mr. Fetterman.

10 MR. FETTERMAN: Why did ICC drop it, and
11 have you been in touch with ICC to ask what the
12 thinking is?

13 MR. SHAFFER: We have not. We did not
14 contact them to ask them about it.

15 MR. FETTERMAN: Because our goal in all
16 this is to -- our supposed goal is to -- well, our
17 commitment is to have as few or no amendments as we
18 can. We don't get points for making amendments.

19 CHAIRPERSON KRESS: Joan, and then Howard,
20 and then I will come back to you.

21 MS. STOGIS: I believe that it was not
22 BOCA or ICC, and that it was this little 3607.2

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Section, which was the existing structures chapter in
2 the '99 supplement.

3 That was a specific action for the
4 District of Columbia, and when we were making this
5 move to the existing Buildings code based on ICC this
6 time, and we asked the electrical/elevator
7 subcommittee what did we need, and I think the sense
8 came back that we didn't need anything local and
9 national standards covered it, which is one reason
10 that paragraph disappeared.

11 Now, in retrospect, maybe we weren't
12 understanding each other enough, and we should have
13 had a fuller discussion back in 2002, but I guess we
14 are hear now to try and make sense of it all.

15 CHAIRPERSON KRESS: All right. Howard.
16 I'm sorry.

17 MR. GIBBS: Yes Howard Gibbs. The
18 question that I have is if A17.3 has been in effect
19 since 1999, and had a two year phase-in date, why do
20 we now need to go back and retrofit existing elevators
21 and escalators?

22 CHAIRPERSON KRESS: Because it was not

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 enforced. That's the short story.

2 MR. GIBBS: And by making it log in the
3 second half of that process, it still has to be done.

4 I mean, what is the point of making it a law if it is
5 not going to be enforced?

6 CHAIRPERSON KRESS: All right.

7 MR. NOBLE: I will speak at the end.

8 CHAIRPERSON KRESS: Denzel has just said
9 that he will speak at the end after everyone gets
10 their points out.

11 MR. PHARR: Shaun Pharr. I pretty much
12 know the history of that, and that provision, which
13 was adopted in the November '99 adoption, subsequently
14 caught virtually everyone unaware when it began being
15 enforced in 2001.

16 And the decision was made to toll its
17 applicability, and subsequently -- and so it was
18 officially told by DCRA, and so it was never to date
19 implemented, and has never been implemented. But as I
20 think the analysis correctly shows here, it was --
21 events have overtaken it.

22 It has subsequently been effectively

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 repealed by not appearing in the latest adoption. But
2 that is not really the end of the story, because I
3 think everyone agrees that something still needs --
4 that the issues still need to be addressed.

5 And both the Department and their
6 oversight committee at the council invites the idea of
7 developing a phased implementation. I think at this
8 point given the legal status, which is that there is
9 no retroactivity requirement now in law or regulation,
10 that this committee, the full Building Code Advisory
11 Committee, takes the issue up if it decides to, which
12 presumably it will, and kind of from whole cloth.

13 But there is an expectation on both the
14 part of the council and the executive branch now that
15 the deliberations focus on identifying what should be
16 retroactive and then how to phase in those
17 requirements.

18 So with that in mind, it seems to me that
19 the recommendation part of the unofficial subcommittee
20 is premature, and that the rest of the document
21 succinctly states the current status of this issue.

22 But it remains now for the committee to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 take it up in its next round of deliberations.

2 CHAIRPERSON KRESS: All right. I promised
3 Bryon Black for quite a while to be able to speak.

4 MR. BLACK: Bryon Black. Two things. The
5 first one is very picky, and it is more for my own
6 information. The documents refer to this as the
7 Elevator Code Advisory Commission. Should it be
8 subcommittee?

9 CHAIRPERSON KRESS: Yes.

10 MR. BLACK: Okay.

11 CHAIRPERSON KRESS: I'm sorry, we are all
12 subcommittees. There is only one committee, and that
13 is the Building Code Advisory Committee, which is this
14 group, which has to be appointed and confirmed by the
15 Mayor.

16 MR. BLACK: Okay. That's what I thought.

17 MR. PHARR: I think it even needs to be
18 called Ad Hoc or something, because it was pointed out
19 earlier in the bylaws that it does not currently
20 create --

21 MS. STOGIS: Well, it is a sub-
22 subcommittee, the Electrical. I mean, it has a valid

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 existence. It is just that technically by the bylaws
2 that it is a subcommittee to the Electrical
3 Subcommittee.

4 MR. BLACK: All right. And my second
5 thing is that -- and I am not familiar with what 17.3
6 means. Could somebody tell me what this would
7 actually require?

8 CHAIRPERSON KRESS: I would assume that
9 would be up today.

10 MR. SHAFFER: Well, that is kind of hard
11 to do. It varies so much from elevator to elevator,
12 but the intent of it is to bring all elevators up to
13 1987 safety codes so that elevators that might, for
14 instance, not have door closers, auxiliary door
15 closers, would get them.

16 And elevators that wouldn't have fire
17 recall would get fire recall. So that the intent is
18 to bring it up to a somewhat modern day code so that
19 all elevators would reach a safety level consistent
20 with right about 1987.

21 CHAIRPERSON KRESS: All right. Did you
22 have something else before we pass it back to Shaun

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Pharr? I know that is of interest to Shaun, and
2 that's why I wanted to make sure that his comments
3 were on the record.

4 MR. PHARR: Okay. My point was simply --
5 and I really don't want to belabor it, but this group,
6 I don't think it is quite correct or appropriate to
7 identify it as a subcommittee, because subcommittees
8 are created via the bylaws.

9 They are a working group, let's say,
10 established within the electrical subcommittee to look
11 at these issues. I would note that to my knowledge
12 that group did not include -- representation today has
13 not included representation of building owners.

14 So that is one of the reasons that I am
15 feeling kind of compelled to point these things out
16 for the record. And that is not to take away by any
17 means from the efforts both of the electrical
18 subcommittee, and its Chair, Frank Becker, or Mr.
19 Yeatman and others, who serve on this advisory group.

20 But to the extent that it is that group's
21 deliberations and recommendations are coming forward,
22 I just feel compelled to point out that it was with no

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 input from those who only managed buildings in which
2 these cabs are located.

3 And that is a significant concern in a
4 place like the District that has a disproportionate
5 share of multi-family buildings, older buildings, both
6 commercial and residential, et cetera, et cetera.

7 All of which is to say that I think going
8 forward this is an area for a lot of deliberation by
9 the committee in this next round. But I would take
10 issue with any belief or perception that any of those
11 issues have already been considered and reconciled.

12 CHAIRPERSON KRESS: All right. Marc
13 Fetterman had something to say. I'll let Marc go
14 next.

15 MR. FETTERMAN: Thank you. I think
16 Shaun's concerns could be addressed if the title of
17 this after District of Columbia that we simply insert
18 electrical/elevator subcommittee, which is the name of
19 your committee, and that it is -- and I also want to
20 echo what Shaun said.

21 We realize the tremendous effort that the
22 people on the Electrical Committee and those

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 representing the elevator industry are putting into
2 this, and we need everyone's help.

3 And I know that Shaun is working, as are
4 others, to try to identify some other people that
5 might go on the committee to give it a more well-
6 rounded composition.

7 CHAIRPERSON KRESS: I will come back to
8 you. Joan, go ahead.

9 MS. STOGIS: A couple of things. I have
10 an e-mail just yesterday from a woman who was at the
11 seminar that we gave a couple of weeks ago, who is on
12 the Board of the D.C. Cooperative Housing Coalition,
13 who was particularly interested in this issue.

14 I hope that she will join and participate,
15 and Shaun and his organization will participate,
16 because I don't think that anyone is disagreeing about
17 goals. It is a question of how do you balance getting
18 to those goals with economic realities.

19 I was going through bits of the ASME Code
20 that I have had people sending me to try to understand
21 it all. One thing that I think would be helpful,
22 because I think when we come to bring something to the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 full BCAC is if we could have kind of a basic
2 description of what Phase One is and what Phase Two
3 is, and kind of a range of costs might be for
4 elevators. And what a range of costs might be for
5 elevators of a variety of ages. In other words, I
6 don't know if an elevator built in about 1980 is going
7 to have to spent a fortune, or if that is a reasonable
8 expense.

9 Whereas, there are plenty of buildings out
10 there still using the 1920s and 1930s elevators, and I
11 understand that is a major issue. If we could get
12 some kind of a fact sheet on what the issues are, and
13 what the -- you know, what the vague costs are, and I
14 gather it is not just he elevator costs, but smoke
15 detectors and other things that go with the recall.

16 And just so that people have a framework,
17 because I don't think that anyone wants to debate
18 endlessly on something that is going to cost a big
19 building owner a couple of thousand dollars, but if it
20 is \$20,000 or lord forbid, \$200,000, then different
21 factors come in.

22 And so I think that would be helpful

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 information for all of us, and also before I pass the
2 microphone, do you have an April meeting date set yet?

3 MR. SHAFFER: We do.

4 CHAIRPERSON KRESS: For those who would
5 like to join that meeting.

6 MR. SHAFFER: Yes, just in February
7 actually we extended an invitation to Shaun to become
8 a committee member, and we didn't connect on the March
9 meeting. I don't know if you didn't get the message
10 but we did vote as a committee to extend an invitation
11 to Shaun to become a member of the committee so that
12 we would have that building owner-community
13 involvement with the committee.

14 And I will look the date up as I have got
15 it in my Palm Pilot, and I will get that for you in
16 just a minute. And in terms of the costs, I will
17 bring it to the committee, and we will try and put
18 something together.

19 We do have a listing prepared of what the
20 -- it is a checklist kind of a listing for everybody
21 to look at and see what that many mean with individual
22 buildings.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 But like with some of the people who still
2 have the car switch elevators, there has been a lot of
3 fear out there that that meant tear the thing out and
4 redo it all over again.

5 It does not mean that to a car switch. It
6 just means some changes, which wouldn't be onerous
7 particularly. But there would be some changes to all
8 elevators, and in some cases worse than in others.

9 But you almost have to go case by case,
10 but we can probably get some cost ranges together for
11 you that will make some sense, and I will look up that
12 date for you here.

13 CHAIRPERSON KRESS: I would just say that
14 your committee, because it has not been a formal
15 committee, and you have not really participated, we
16 have special forms.

17 And partly the information on those forms,
18 in order to bring anything forward to this committee,
19 has the financial impact, and that is one of the
20 questions. Not only what are you doing and why you
21 are doing it, but what the proposed impact is as it
22 comes forward to this committee as a whole for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 consideration and voting.

2 And just to clarify, because you said you
3 sent an invitation. Basically anybody who serves on
4 any of these subcommittees that is willing to do it,
5 you have to take it, and all committees do. We have
6 had this open-door policy that anybody who wants to
7 serve on any committee is allowed to serve on that
8 committee.

9 And basically that I as Chair select the
10 subcommittee chairs. Basically it has been more of
11 begging and pleading than it has been of selecting
12 people who are competent and who are willing to do it.

13 But just so you understand the formal
14 structure, because I think we have had a little
15 confusion about what the formal structure is, okay?
16 Thank you. Miles, you had something?

17 MR. HABER: Yes. We have obviously had a
18 relatively loose and collegial set-up, but as we get
19 into these more contentious issues, and I put
20 sprinklers in with the lead, et cetera, we might look
21 to the AMSE rules, which look at balanced committees,
22 no more than one-third representation from particular

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 areas.

2 Because I think we run out of time in
3 these meetings once a month to fully argue it, and I
4 would remind everybody of what went down between
5 Residential and Accessibility.

6 We met a couple of times outside with the
7 Accessibility Committee, and reached I think a good
8 consensus for what is in the 2000 code. But it might
9 be more efficient to try and get balanced
10 subcommittees so that you come with a consensus to the
11 full building code advisory committee.

12 CHAIRPERSON KRESS: Again, I certainly
13 that has always been our goal, but it just practically
14 has not been possible. I think the most important
15 thing is to change the bylaws and to set clearly how
16 it is structured, and what our goals are that we can
17 work towards, but we would have certain committees,
18 including Residential, that would not have functioned,
19 because basically all the work got done by two people.

20 And so there was no way to balance a
21 committee with two people, and so we have to try to
22 make sure that we are clear on what our goals are, and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 clear on what our bylaws say, and reach towards them,
2 but not write the bylaws so that we can't function if
3 we don't meet one of the requirements.

4 The ultimate functioning is right here,
5 and you're right. It takes too much time, but if all
6 else fails, it gets leaded here with this group who
7 have been appointed by their organizations and sworn
8 in by the Mayor.

9 And that is where the final vote is, and
10 everything else can come and go up until that point.
11 Hopefully it can be as the committee members and
12 committee chairs working together, and where there is
13 a problem that it can be pointed out to a committee
14 and interested parties can speak.

15 So that we don't have to vent every single
16 thing here, because it will take just way too much
17 time. So I am in total agreement with the philosophy.

18 It's just how best to go about getting it.

19 MR. SHAFFER: I just wanted to give you
20 the date of April 7th, at 10 o'clock.

21 CHAIRPERSON KRESS: Thank you.

22 MS. STOGIS: And that is --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MR. SHAFFER: Yes.

2 MS. STOGIS: One of the things, Barry,
3 that came to my mind in talking about a wide variety
4 of members is that I am beginning to feel that as we
5 get into difficult issues like this is so far in the
6 cycle we do not have an active fire department
7 participation.

8 And that will change, because I certainly
9 have always found that they bring a very important
10 real work perspective to these meetings.

11 CHAIRPERSON KRESS: Denzel, why don't you
12 -- because this is something that Denzel wants to
13 speak to, and I will hand the mike to him.

14 MR. NOBLE: And what is the address of the
15 subcommittee meeting?

16 CHAIRPERSON KRESS: And would you send me
17 an e-mail, and I will get it to everybody exactly
18 where.

19 MR. SHAFFER: Yes, that is probably best
20 because I can drive to it, but I don't have the
21 address committed to memory. But there is ample
22 parking. That is the good thing, but I will get that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 to Jerrily and she can get it out.

2 CHAIRPERSON KRESS: I will get it out. We
3 have a lot of members who are not residents of the
4 District of Columbia that are on this committee.
5 Denzel, did you want to speak to the fire first, and
6 then anything else relating?

7 MR. NOBLE: On my way up here this
8 morning, I stopped in the Fire Marshall's office
9 downstairs, and asked who is taking Inspector Guffey's
10 place on the subcommittee, and the person that I spoke
11 to mentioned two names, and I thought that they would
12 have been here, because he said --

13 CHAIRPERSON KRESS: In fact, they have to
14 be appointed, because they have not been appointed
15 yet.

16 MR. NOBLE: Yes, they were still on the
17 list.

18 CHAIRPERSON KRESS: But what I am saying
19 is that even government people, like fire protection
20 people, that have not been on the list before, they
21 have to be appointed.

22 MR. NOBLE: Yes, but on the list there

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 were six fire marshalls, and Guffey and maybe one
2 other person.

3 MR. SHAFFER: Brenda Fenthen.

4 MR. NOBLE: Yes, Brenda Fenthen, and a
5 couple of others were on the list.

6 CHAIRPERSON KRESS: I know that Brenda
7 was, because she did several things.

8 MR. NOBLE: But I thought when he said --
9 because I mentioned the Building Code Advisory
10 Committee Meeting and he said, yes, persons were going
11 to the committee meeting and so I am surprised that
12 they are not here.

13 CHAIRPERSON KRESS: Let me just ask Bryon
14 because of the Fire and Life Safety, have you heard of
15 anybody who is participating from the Fire Office?

16 MR. BLACK: No, I have not.

17 CHAIRPERSON KRESS: No? He has not.

18 MR. NOBLE: What I am going to do is that
19 I am going to speak to the Fire Marshall or the Fire
20 Chief to let them know that the representation from
21 Fire is absent, and that maybe he needs to say
22 something to someone so that they can start coming to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 these meetings.

2 CHAIRPERSON KRESS: And if they are not on
3 the list, they have got to be --

4 MR. NOBLE: Well, the ones who have been
5 sworn in, because I think there were six of them that
6 were on the committee. I don't have the list here,
7 but there were six names.

8 CHAIRPERSON KRESS: Well, I will check,
9 and if we wanted to send a letter from the Building
10 Code Advisory Committee asking for their names and
11 whether they have been sworn in, who would we send
12 that to?

13 MR. NOBLE: We would send it to the Fire
14 Chief.

15 CHAIRPERSON KRESS: And who is that?

16 MR. NOBLE: Chief Thompson.

17 CHAIRPERSON KRESS: Do you know what his
18 first name is?

19 MR. NOBLE: Adrian.

20 CHAIRPERSON KRESS: Thank you.

21 MR. NOBLE: Let me mention a few things
22 about the elevator code. That is also one of the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 items that is on the proposed --

2 CHAIRPERSON KRESS: Emergency list, yes.

3 MR. NOBLE: -- list that is coming
4 forward, and yes, it is not in the current code.
5 However, these existing elevators were required by law
6 to be in compliance within two years after the '99
7 code.

8 Yet I did extend the deadlines, but that
9 does not mean that those codes are not required to
10 come into compliance sometime in the future. And that
11 is the reason why we agreed, and what Shaun was
12 speaking about, is when we went before the Council,
13 they still came up with a formula for rolling
14 compliance, and that is the term that we use.

15 In other words, instead of having one drop
16 dead date for all the elevators, depending on how we
17 craft the language, you would have elevators that are
18 coming into compliance within a certain period of
19 time, depending on what the issues are.

20 That can be part of the amendments that we
21 are sending forward, because legally those elevators
22 are required to come into compliance, and even though

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 they were extended 2 years after that date, and even
2 though it is not in the current code, they will be
3 required to be in compliance.

4 CHAIRPERSON KRESS: Well, I am a little
5 surprised to hear that legally, because if a code -- I
6 mean, at some point you are building it and it is
7 repealed, or not passed again, and so therefore it is
8 not in effect.

9 I don't have to go back and be in
10 compliance with codes from before?

11 MR. NOBLE: Not to be in compliance.

12 CHAIRPERSON KRESS: Not unless I was doing
13 something. You weren't even doing anything -- I'm
14 sorry, this is very confusing. I think that we are
15 going the same place, but I guess my concern is,
16 number one, that I want to leave the door open on this
17 compliance, because I don't think that our committee
18 looked at it carefully, and what the full compliance
19 means.

20 Every single thing has to be complied with
21 for all elevators in existence, or can certain
22 elevators, depending on their age, have different

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 things that they comply to.

2 So that is what I am a little nervous
3 about for saying that they have to go back and comply
4 with something from a couple of years ago that doesn't
5 really allow what we want to pass now, which maybe
6 looks at some segregated pieces of this, rather than
7 the whole all or nothing package.

8 MR. NOBLE: The only requirements that are
9 required retroactively are required on the elevators
10 that are being substantially renovated and being built
11 now.

12 CHAIRPERSON KRESS: Right.

13 MR. NOBLE: And the retroactive provision
14 was passed, and that was in '99, and that was passed
15 in the old code, and it says that all these elevators,
16 the old existing elevators are supposed to come up to
17 our standards at a specific time.

18 We extended that time 2 years down the
19 line, which meant that these elevators are supposed to
20 be in compliance. And, Shaun, help me with a date
21 here. Is it --

22 MR. GIBBS: This year.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MR. NOBLE: 2004.

2 MR. GIBBS: This year.

3 CHAIRPERSON KRESS: But essentially it has
4 been repealed before the extension has expired.

5 MR. PHARR: I guess one can say that
6 reasonable legal minds can differ on this, but at this
7 point, once we have had clarification as to what was
8 in the January 9 adoption, I think -- well, my
9 understanding, my view, basically is this.

10 The November 1999 adoption of the previous
11 codes contained a retroactivity provision with a two
12 year lead time. So that those retroactive
13 requirements would have taken effect November of 2001,
14 but the Department issued a directive saying that
15 enforcement of that was told, and the applicability of
16 that was told until after July 31, 2004.

17 In the interim new codes were adopted that
18 eliminated any reference to the retroactivity
19 requirement. I think where you are, Madam Chairman,
20 is that legally there is nothing on the books now, and
21 while there was something on the books for a time, its
22 effectiveness was total, and in the meantime it was

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 repealed.

2 So I think there would be a serious
3 enforceability issue given those circumstances, but I
4 also don't think that we really need to go there other
5 than -- I mean, I think the bottom line is clarity,
6 and clarity is essential for everyone out there right
7 now as to what is actually required, and what will be
8 required of them in the future.

9 And I think the short answer to that is
10 that these retroactivity provisions are not any longer
11 applicable. But stay tuned. We will be putting
12 something into place as part of the next round of
13 deliberations that will speak to some safety upgrading
14 of existing cabs on a prioritized rolling basis that
15 has yet to be developed, but that that is the intent
16 and the expectation.

17 CHAIRPERSON KRESS: Well, this is non-
18 lead, Deer Park water. If you would like some. Go
19 ahead, Denzel.

20 MR. NOBLE: I will have to get back to you
21 with this. But what I was told a few weeks ago is
22 that the retroactive provision is in the AMSE Code,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 which means that if we don't have this provision to
2 provide this rolling compliance, then all elevators
3 will be required to comply with that provision, and
4 that was in the original amendment.

5 MR. PHARR: If you look at the second
6 paragraph under issue for consideration and what the
7 Elevator Advisory Group sent forward, I think that is
8 the current state of affairs.

9 But the code that was adopted by the
10 District in January contains those references such
11 that we will apply to alterations only, and is not
12 retroactive to existing elevators and escalators which
13 are not altered.

14 I mean, that is just repeating I think
15 what is in the IBC that we have adopted. But again I
16 think our focus ought to be where we want to be going
17 forward, but we can't have this hanging out there.

18 I mean, we do need to reach some closure
19 and put into place whatever is necessary officially to
20 eliminate any doubt and uncertainty about what is
21 currently applicable, and will be applicable until
22 such time as something else has been duly adopted in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 its place.

2 I just don't think that there should be
3 great cause for alarm here, because I think we are
4 all --

5 CHAIRPERSON KRESS: Heading in the same
6 direction.

7 MR. PHARR: -- on the same page, yes,
8 about that. But clarity is essential.

9 CHAIRPERSON KRESS: Yes. We should sit
10 Shaun and John together.

11 MS. STOGIS: I would also hope that as
12 part of looking at it that we also look at -- as I
13 recall the ASME language covers just about everything,
14 and in this section that no longer exists, 3607.2, I
15 know that we exempted elevators within single-family
16 dwellings, and I think we exempted elevators with a
17 certain limited range of travel.

18 Again, just trying to think about this
19 while I was riding the Metro in this morning, I would
20 think that one of the things that we might look at is
21 to look at a threat of a not more than a 3 story
22 building as urgent as in a high rise building, and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 maybe there is some prioritizing in that way that we
2 should be looking at.

3 So I think that we need to look at what
4 are the different factors in moving in this direction,
5 and I would like to say that somebody said that the
6 Elevator Committee should be doing this on the proper
7 adoption forms, but given that this is a contentious
8 issue, and one which I hope we are going to gradually
9 come to consensus on, I very much appreciate them
10 doing it in this informal way as a recommendation.

11 This is what their latest meetings and
12 thinking are about, and that we can respond to it with
13 a certain informality and move forward without getting
14 people's feet sort of too firmly planted, which
15 happens when you have a formal resolution for
16 adoption.

17 CHAIRPERSON KRESS: And I would just like
18 to agree, and I am the one who said both. I am the
19 one who accepted it and put it on the agenda, and I am
20 the one who said it needs to be official forms. But I
21 do think that if there is anything controversial, I
22 think it is much better.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 It is like what we just did with relating
2 to fire sprinklers, and we had a presentation. Let's
3 bring what we know to be controversial issues up, and
4 discuss it in a more generic way, and get a sense of
5 the whole before a committee gets all the way down
6 with a final decision and brings it.

7 I absolutely agree and so all committees
8 should feel free to bring issues for just general
9 discussion that they might be working on and find that
10 they have some problems or there is some large
11 differences about the issue, and feel free to bring
12 those forward. Denzel.

13 MR. NOBLE: The proposal that will be
14 coming forward is just a proposal to provide some
15 guidance regarding the rolling compliance, and the
16 rolling compliance is going to be generated out of
17 this committee or subcommittee and that will be part
18 of the code when it is adopted.

19 It is just how it is to be done, and also
20 to extend the time frame, which again Shaun and I
21 talked about this, and whether the extension that was
22 granted administratively was really -- to use another

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 word -- legal in the sense that if it is challenged
2 that it would stand up to the test.

3 MS. STOGIS: I think clearly we are not
4 going to have a next generation of codes in place by
5 August of this year, and so we do need something that
6 happens administratively to tide us over in the
7 interim until --

8 CHAIRPERSON KRESS: Well, unless we take
9 this literally, it is not in place, and then we don't
10 need to take any action. And I am not trying to
11 nitpick here, but we might not need to take action.
12 The fact that nothing is in there now might be action
13 enough until the committee gets its work done, and
14 then puts together this adoption and the rolling
15 compliance, and then pass it.

16 I mean, everybody is going to know on the
17 streets that this is coming, and so it is not like
18 rush and do something, and get by with something,
19 because you may have to turn around and do it in a
20 retrofit if you are not careful.

21 MS. MONTPLAISER: This is a question from
22 the practical side. Gail Montplaiser. Is there a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 database on the elevators that are existing and the
2 ages of them? Wasn't Joan Stogis' committee asked to
3 look at the elevator and rolling compliance proposal
4 at one of the last meetings?

5 MS. STOGIS: Yes, I think we were going to
6 work with the elevator group since probably whatever
7 language comes up will in some way get folded into the
8 existing buildings code, and maybe even the property
9 maintenance code. Who knows. And also to bring the
10 kind of framework that is within the existing
11 buildings code with different levels of alterations
12 and requirements perspectives.

13 Unfortunately, I was out of town when the
14 elevator subcommittee met in early March, and I guess
15 the meeting was at the last minute and so we were not
16 able to be there. But I think we definitely want to
17 work with the elevator group to pass something that
18 will get wide support and is reasonable in all
19 regards.

20 CHAIRPERSON KRESS: Do we have someone
21 from DCRA that could be representing what they are
22 thinking about that maybe could also attend this

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 meeting?

2 MR. NOBLE: Which one?

3 CHAIRPERSON KRESS: This elevator
4 subcommittee meeting.

5 MR. NOBLE: Shaun is on that subcommittee.

6 CHAIRPERSON KRESS: Oh, he already is?

7 MR. NOBLE: Yes. And I was supposed to be
8 participating in that subcommittee, but I don't have
9 the time.

10 CHAIRPERSON KRESS: We are happy that you
11 come here.

12 MR. HABER: Yes, Miles Haber, MNCBIA. And
13 we are very interested for our builders to own and do
14 new high-rises. But I think in putting together these
15 facts, one thing I would want to know and I think the
16 whole committee should know, is what is the safety
17 problem.

18 They are old, and what is the record of
19 injuries, or death, or whatever. Does anybody keep
20 track of that so that then you can make a judgment of
21 what sort of rolling compliance to retrofit that you
22 might need.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MR. FETTERMAN: Marc Fetterman. I think
2 that we are all interested in safety, and Dick,
3 perhaps -- and, Madam Chair, perhaps what we might
4 suggest is that we have a presentation much like the
5 residential committee put together on this issue,
6 because a lot of us know enough to be dangerous.

7 CHAIRPERSON KRESS: I would agree.

8 MR. FETTERMAN: And we all have a goal of
9 wanting safety in our city, and at the same time we
10 want to make sure that we are not putting undue
11 financial burden on someone unless there is a
12 compelling reason for that.

13 So I think it is almost a two-pronged
14 effort, and if your group could put together a brief
15 presentation on the issues, and if the city could come
16 forward with a list of elevators that are not in
17 compliance, or some trade group perhaps, so that we
18 actually get a clear understanding of what the safety
19 benefits are, and what the financial ramifications are
20 to this city.

21 MS. STOGIS: I would like to just add to
22 that that it is not a comfortable position having

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 worked with the existing staff for about 12 years now,
2 to be saying let's write a code that allows someone to
3 do less than what would be required of a new building.

4 We are otherwise sticking our necks out,
5 but the reality is that if we don't allow some
6 tolerance, some time frame, that in effect we make it
7 some onerous to comply or to upgrade buildings that
8 owners will just walk away from them and let them
9 deteriorate, and that is totally not in the public
10 good.

11 So we try to find a balance point, but it
12 is not easy, and I think that some of us who have been
13 involved in that have had some sleepless nights
14 worrying about some of the decisions we make.

15 CHAIRPERSON KRESS: We definitely are
16 sitting you guys together.

17 MR. PHARR: Yes. I just want to echo
18 that, and I think it is an issue that -- this whole
19 issue is one that requires sort of concurrent
20 jurisdiction with the existing structures
21 subcommittee.

22 And I think the kind of presentation that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Marc was talking about is a good one. I think it is
2 way premature, however. I think you have got to have
3 -- I mean, first of all, the elevator group, once it
4 is duly constituted officially under the bylaws and
5 more balanced.

6 And until that happens, I don't think that
7 kind of a presentation is really able to be put
8 together, and it obviously would have to have input
9 from existing structures as well.

10 And it is exactly the kind of thing that I
11 think the full Building Code Advisory Committee needs
12 benefit of before it makes its own final consideration
13 of those things.

14 CHAIRPERSON KRESS: I would think
15 hopefully that they would be doing that as part of the
16 committee and getting that information, and then as a
17 part of the working. And I don't want anybody to stop
18 working, whether it is completely duly constituted.
19 There is no reason. Like today, we can't go back
20 because someone is late and fill them in.

21 I think that there is enough work to be
22 done that our committee should not be held up until

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 they are completely balanced and completely legal. I
2 don't think that they should take formal votes until
3 they are in that legal format, and certainly we here
4 shouldn't until we have appointed in my mind.

5 So there is a little time here, but I do
6 think that everybody should continue working.

7 MR. PHARR: Oh, absolutely.

8 CHAIRPERSON KRESS: And perhaps again Dave
9 Conover, he might also be a resource to this situation
10 as well, and people within the ICC organization.

11 MR. PHARR: Right. I was thinking of that
12 as well, and for one reason, because I think that part
13 of the inquiry needs to be why the national code does
14 not contain the same degree of retroactivity as what
15 we adopted in 1999.

16 I think that is an open question, and as
17 Joan noted, the fact is that the most enduring
18 principle in all of this has historically been that
19 the code that applies to the building when it was
20 built is the code that applies for the life of the
21 building, absent major renovation or explicit
22 retroactivity requirements subsequently being adopted.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 I mean, that has been a mantra of the
2 model codes and the building codes in this country
3 forever so far as I know.

4 CHAIRPERSON KRESS: You are correct.
5 There have been -- like fire standpipes was one that
6 was totally retroactive. There have been a few and
7 they have been for major safety reasons.

8 I don't know enough about elevators to
9 know what part in the whole scheme of things that is
10 being asked for to be retroactive is as important as a
11 fire standpipe in a building. I can't equate that
12 because I don't know enough about elevators.

13 And so I am just saying that is the kind
14 of thing though that needs to be looked at, you know.

15 MR. PHARR: And again we have got this
16 aging stock of buildings, both multifamily and
17 commercial, in the City. We also know we have got an
18 excellent record of elevator safety. I mean, there
19 has not been a dramatic uptick, dramatic or otherwise,
20 in terms of loss of life or property attributable to
21 elevator issues.

22 So just one last thing to answer Gail's

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 question, and Denzel can probably elaborate on this,
2 but DCRA licenses some 10,000 cabs within the City,
3 and I think that part of the inquiry is also in
4 developing a rolling admission applicability process.

5 That database is going to have to be
6 explored to find out which ones are of an age that
7 would even be subject to this in the first place, and
8 there are multiple cuts so to speak that are going to
9 need to be made to whittle down the universe, or the
10 subset, of cabs that are affected or would be affected
11 by these provisions.

12 And then a system of prioritizing, and
13 Joan alluded to one such consideration, height. Other
14 safety retrofits that may already have been made may
15 put a particular cab at a lesser risk. So you go
16 further down the line in terms of when these
17 requirements kick in.

18 But it is a big issue. I know that the
19 condominium community is very concerned about it.

20 CHAIRPERSON KRESS: As you know, I believe
21 we now have a member from the Co-Op. She came up to
22 me --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MS. STOGIS: Her name is Nancy Stingell.

2 CHAIRPERSON KRESS: And who represents the
3 Co-Ops, which is similar to the condos, about
4 concerns.

5 MR. PHARR: A real variety of buildings,
6 with older buildings, with older elevators, and
7 hospital, and retirement homes, and assisted living
8 facilities. I mean, the full panoply that would be
9 potentially affected by this, and they have all got
10 their own sets of considerations and realities, in
11 terms of the decision that will have to be made.

12 CHAIRPERSON KRESS: Well, I think that
13 this is a huge issue, and I am really pleased that you
14 and Shaun are going to be serving on this, or having
15 someone from your organization be a part of this. And
16 certainly the Existing Structures, and perhaps Nancy
17 will be a good addition.

18 And to help balance the overall
19 development and construction and ownership concerns on
20 the committee. And I want to look forward to where
21 the work should be in the hands of the committee and
22 not in this committee, and unless you all need any

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 other help, if you are working with that committee,
2 and you have folks on that committee, then let's see
3 where the committee goes.

4 And like I said, any problems, bring it to
5 us, but let's have a chance to all work together and
6 see if we can get something out of this. And again
7 anybody is invited from this that wants to
8 participate.

9 I don't think it is a big issue in
10 residential by and large. I think you will probably
11 being seeing most of those exempted, with a very small
12 -- to lower it according to height is probably going
13 to come out of this.

14 But we will be getting information and
15 reports. And let me just go from there to where we
16 should be working for the future, and I am going to
17 write this after the meeting today and get it out, and
18 then send it again before the next meeting.

19 I really want to see if all the
20 subcommittees can please try to meet and set a
21 schedule on when you are going to do your work so we
22 have a time frame that we can start working towards.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 That way we can also be using that to put
2 towards the website, and saying, look, we have to have
3 this functional by X because these reports are going
4 to start being put out by Y.

5 And so if each committee could at least
6 have one meeting and set out what they see their
7 schedule of what they are going to do and when, and
8 then we could put that together on a master schedule,
9 and start having goals to work towards. Anything
10 else, Marc, on that?

11 MR. NOBLE: Has anyone heard about George
12 Papadopolous?

13 MR. FETTERMAN: Yes. He was involved in an
14 automobile accident and he is in Hagerstown, Maryland,
15 in recuperation of doing physical therapy, and he has
16 got about 4 more weeks up there. I talked to one of
17 his partners with whom I am working on a project about
18 3 days ago, and I see him this afternoon. But at
19 least when we last talked, George was doing well, and
20 mentally he is willing to get back to work, but his
21 body just doesn't agree with his mind yet.

22 CHAIRPERSON KRESS: So who should we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 appoint as -- is there an idea for who may be should
2 be Acting Chair or Vice Chair, to start calling the
3 meetings?

4 MR. FETTERMAN: Can I get back to you this
5 afternoon, Madam Chair, after I have talked to one of
6 his partners, and found out what George's schedule is,
7 because I know this is something that he values.

8 CHAIRPERSON KRESS: Very much, yes, I
9 agree. I don't want to replace him, and maybe just
10 help assist getting things kicked off. Thank you. Is
11 there any other business -- it is just about noon --
12 that anyone would like to bring up?

13 MR. BURRELL: I would like to make an
14 announcement.

15 CHAIRPERSON KRESS: Okay. Then all in
16 favor of closing the meeting say aye?

17 (A chorus of ayes.)

18 CHAIRPERSON KRESS: It is closed by
19 acclamation, and the meeting is hereby closed.

20 (Whereupon, at 11:59 a.m., the meeting was
21 concluded.)

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com